

AG Contract No. KR02-1834TRN
ADOT ECS File No. JPA 02-158
TRACS: H627701C
Project: S 080-A-500
Section: SR 80
("G" Avenue to 22nd Street)

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF DOUGLAS

THIS AGREEMENT is entered into December 12th, 2002, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and CITY OF DOUGLAS, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to participate in the design, and construction of a red decorative stamped concrete to be located between the back of curb and the sidewalk beginning at "G" Avenue and extending east to 22nd Street, at an estimated cost of \$13,000.00, hereinafter referred to as the Project, for the safety and benefit of the traveling public. The parties hereto agree the City shall be the lead agency for the Project.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 25680
Filed with the Secretary of State
Date Filed: 12/12/02

Petrey Bayless
Secretary of State

By Dwight D. Gruenewald

II. SCOPE OF WORK

1. The City will:

a. Provide to the State's Safford District office appropriate standards, design plans, specifications and such other documents and services required for construction of the red decorative stamped concrete improvements. Incorporate or resolve State review comments.

b. Utilize City forces to construct and administer the Project. The City shall be responsible for any cost increases or delays for any reason.

c. Upon inspection and acceptance by the State's Safford District representative, invoice the State for \$13,000 for the cost of the project.

d. Upon completion, approve and accept the Project on behalf of the parties hereto, and perform any required maintenance to the red decorative stamped concrete, all at City of Douglas expense.

2. The State will:

a. Review the design documents and provide comments.

b. Pay the City \$13,000 within 30 days upon receipt and approval of an invoice and following inspection and acceptance by the ADOT Safford District representative.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said project and reimbursements; provided, however, that this agreement, except any provisions for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a Project construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy, which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Douglas
City Manager
425 10th Street
Douglas, AZ 85607

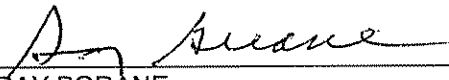
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF DOUGLAS

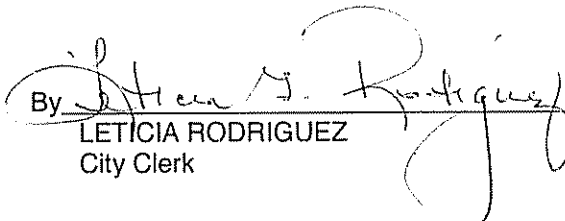
STATE OF ARIZONA

Department of Transportation

By 
RAY BORANE
Mayor

By 
WILLIAM J. HIGGINS
Deputy State Engineer

ATTEST

By 
LETICIA RODRIGUEZ
City Clerk

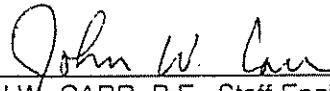
G:02-158-ITD-Safford District

21 October 2002

RESOLUTION

BE IT RESOLVED on this 23rd day of September, 2002, that I, the undersigned VICTOR M. MENDEZ, as Director of the ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the STATE OF ARIZONA that the DEPARTMENT OF TRANSPORTATION, acting by and through the INTERMODAL TRANSPORTATION DIVISION, to enter into an agreement with the CITY OF DOUGLAS for the purpose of defining responsibilities for the design, and construction of a red decorative stamped concrete to be located between the back of curb and the sidewalk beginning at "G" Avenue and extending east to 22nd Street.

Therefore, authorization is hereby granted to draft said agreement, which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in cursive script, reading "John W. Carr", is written over a horizontal line.

JOHN W. CARR, P.E., Staff Engineer
Development / Intermodal Transportation Division
for VICTOR M. MENDEZ, Director

Resolution No. 02-274

A RESOLUTION OF THE MAYOR AND COUNCIL
OF THE CITY OF DOUGLAS, ARIZONA,
AUTHORIZING THE EXECUTION OF AN
INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF DOUGLAS AND THE
ARIZONA DEPARTMENT OF
TRANSPORTATION IN THE AMOUNT OF
\$13,000.00 TO PROVIDE FUNDING FOR RED
DECORATIVE STAMPED CONCRETE TO BE
LOCATED BETWEEN "G" AVENUE AND 22nd
STREET TO PREVENT EROSION.

WHEREAS, the City of Douglas seeks to enter into an intergovernmental agreement with the Arizona Department of Transportation in the amount of \$13,000.00 to provide funding for red decorative stamped concrete to be located between "G" Avenue and 22nd Street in Douglas, Arizona; and

WHEREAS, intergovernmental agreement identified as ADOT ECS File No. JPA 02-158 providing the terms and conditions of said agreement entered into by the parties is attached in Exhibit "A", and incorporated herein by reference; and

WHEREAS, it is in the best interests of the City of Douglas to enter in to said agreement.

BE IT RESOLVED, by the City Council of the City of Douglas as follows:

Section 1. The terms of said Intergovernmental Agreement are in the best interest of the City of Douglas.

Section 2. The City Manager and City Clerk are hereby authorized to execute and deliver the Intergovernmental Agreement and any related documents necessary to consummate the transaction contemplated by the agreement for and on behalf of the City of Douglas.

Section 3. The officers of the City Council and the City of Douglas are hereby authorized and directed to fulfill all obligations under the terms of the Intergovernmental Agreement.

PASSED AND ADOPTED by the Mayor and Council of the City of Douglas, Arizona, this 13th day of November, 2002.

1
2 By Ray Borane
3 Ray Borane, Mayor

4 Attest:

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6 By Leticia G. Rodriguez
7 Leticia G. Rodriguez, City Clerk

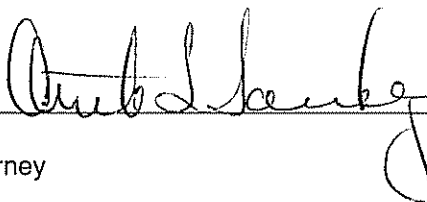
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9 Approved as to Form:

10 Anita L. Sanchez
11 Anita L. Sanchez, City Attorney
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APPROVAL OF THE CITY OF DOUGLAS ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF DOUGLAS and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 13th day of November, 2002.


Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL
TRANSPORTATION SECTION

1275 WEST WASHINGTON STREET, PHOENIX, AZ. 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680
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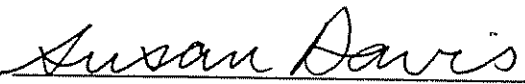
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR02-1834 TRN (JPA 02-158), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED December 4, 2002.

JANET NAPOLITANO
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

/srs

Att.